

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA)
)
 v.) Case No. 3:12-CR-110 JD
)
AURELIO GUERRA (02))
JOSEPH OLIVO (03))
RUBEN TREVINO (04))

ORDER

On October 11, 2012, the grand jury returned a five count indictment charging Defendants Hayle Doty, Aurelio Guerra, Joseph Olivo, and Ruben Trevino with crimes relating to the distribution of marijuana and unlawful transport or possession of firearms [DE 11]. Defendant Hayle Doty has filed a plea agreement [DE 50] and the Magistrate Judge has issued a report and recommendation on Mr. Doty's plea of guilty [59]. Pending before the Court is the government's motion to sever [DE 40] the trial of Mr. Olivo from the joint trial of Mr. Trevino and Mr. Guerra due to alleged statements made by one of the Defendants which would trigger confrontation issues consistent with *Bruton v. United States*, 391 U.S. 123 (1968). Every defendant, by counsel, has filed a notice of no objection to the government's request [DE 42, 49, 56, 66]. As a result, the Court GRANTS the government's motion consistent with Fed. R. Crim. P. 14 and ORDERS the jury trial of Mr. Olivo to go forward as currently scheduled for **January 14, 2013, at 9:30 a.m.** in South Bend, while the joint jury of Mr. Trevino and Mr. Guerra is SET for **February 4, 2013, at 9:30 a.m.** in South Bend—a time that complies with the Defendants' speedy trial rights. Further, the final pretrial conference for Mr. Trevino and Mr. Guerra is SET for **January 24, 2013, at 4:30 p.m.** in South Bend. Should counsel need additional time to review the recently received discovery and

adequately prepare for trial, counsel may file a motion to continue indicating the basis of the needed continuance.

SO ORDERED.

ENTERED: December 19, 2012

/s/ JON E. DEGUILIO
Judge
United States District Court